

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____
DEPUTY

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

Case No. A-07-CA-996-SS

THOMAS L. CROFUT and JUDITH H.
CROFUT, Individuals and d/b/a Good Flow
Honey and Juice Co.,
Defendants.

ORDER

BE IT REMEMBERED on the 5th day of September 2008 the Court called the above-styled cause for a show cause hearing and the parties appeared in person or through counsel. Specifically, the hearing addressed the Government's Petition for an Order to Show Cause Why Defendants Should Not be Held in Civil Contempt [#18] and the Defendants' Response thereto [#21]. After considering the motion, the response, counsels' arguments, and the case file as a whole, the Court confirms its oral ruling with this written order.

The Court finds Defendants Thomas Crofut and Judith Crofut, doing business as Good Flow Honey and Juice Co., in contempt of court for violations of the Consent Decree of Permanent Injunction [#15] entered by this Court on May 6, 2008. The Court's injunction "permanently restrained and enjoined" the Defendants "from receiving, processing, preparing, packing, holding, or distributing juice" until the terms of the injunction were satisfied. Consent Decree of Perm. Injunction ¶ 4. Defendants admit they continued to produce juice after the entry of the Consent Decree, thereby violating it. Defs.' Resp. ¶ 3. The Defendants continued to refuse to abide by the

terms of the injunction even after receiving a letter from the United States Food and Drug Administration ("FDA") on June 24, 2008 in which Defendants were instructed to immediately cease operations. Defendants still refused to cease production after receiving the Court's order to show cause as to why they should not be held in contempt for violating the Consent Decree issued on July 30, 2008. Order to Show Cause [#20]. Defendants have deliberately and intentionally violated the terms of this Court's injunction. Defendants have ignored a court order and their continuous operations show they lack any respect for the law or the authority of the United States District Court. The Court therefore finds Thomas Crofut and Judith Crofut, doing business as Good Flow Honey and Juice Co., in contempt of court and issues the following sanctions.

IT IS ORDERED that the Government's Petition for an Order to Show Cause Why Defendants Should Not be Held in Civil Contempt [#18] is GRANTED.

IT IS FURTHER ORDERED that Defendants Thomas Crofut and Judith Crofut, doing business as Good Flow Honey and Juice Co., and found IN CONTEMPT OF COURT for deliberate and intentional violations of the Court's injunction.

IT IS FURTHER ORDERED that Defendants are fined TEN THOUSAND DOLLARS AND NO/100 (\$10,000.00), payable jointly or severally, for which let execution issue.

IT IS FURTHER ORDERED that Defendants must pay reasonable attorneys fees in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS AND NO/100 (\$2,500.00), for which let execution issue.


IT IS FURTHER ORDERED that the Defendants and each and all of their agents, employees, attorneys, successors, assigns, and any persons in active concert or participation

with any of them must IMMEDIATELY CEASE, DESIST, and STOP all processing, preparing, packing, receiving, holding, or distributing of juice at any location.

IT IS FURTHER ORDERED that the terms and conditions of the Consent Decree of Permanent Injunction [#15] entered May 6, 2008 is hereby REINSTATED in full.

IT IS FINALLY ORDERED that this Order shall be effective as of September 5, 2008 at 5:00 p.m.

SIGNED this the 5th day of September 2008.



SAM SPARKS
UNITED STATES DISTRICT JUDGE